

## **ARTICLE 92**

### **ENFORCEMENT OF BY-LAWS**

#### **Section 1           Fines**

The fine for violating any provisions of the By-Laws shall be fifty dollars (\$50.00), except where other penalties are specifically authorized by general laws, by charter, or by by-law.

#### **Section 2           Enforcement**

##### **2.1      Criminal Complaint**

Whoever violates any provision of these By-Laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

##### **2.2      Noncriminal Disposition**

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in the Massachusetts General Laws, Chapter 40, Section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, commission, or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is intended that the sections of those laws or by-laws listed in the table entitled "Schedule of Fines," which is incorporated into this subsection by reference, are to be included within the scope of this subsection; that the specific penalties as listed there shall apply to such cases; that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed, if any, shall also be enforcing persons; and that each day on which any violation exists shall be deemed to be a separate offense.

#### **Section 3           Complaints by the Public; Procedures**

Any person witnessing the violation of any provision of the Town By-Laws may report such incidents to the appropriate enforcing person. Enforcing persons are hereby designated as (1) police officers, in all cases; (2) those municipal personnel designated in specific by-laws or by Massachusetts law as being responsible for enforcement; or (3) the Town Administrator, who shall refer the complaint to the appropriate municipal personnel for action. The enforcing person shall determine what action to take concerning the complaint, if any.

Whenever a complaint is received in writing from a known person, the official responsible for enforcement shall make a reply to that person within sixty days of receipt. The reply shall note what action, if any, was or will be taken on the complaint. If final action has not been completed by the time the reply is prepared, a follow-up reply shall also be issued after final action is completed.

### SCHEDULE OF FINES

<b>Subject</b>	<b>Reference</b>	<b>Other Enforcing Authority</b>	<b>Fine</b>
Underground storage tank registration	(B) Art.81, s.5	Health Officer, Sanitarian	\$50.00
Underground storage tank inventory control	(B) Art.81, s.6	Health Officer, Sanitarian	\$50.00
Underground storage tank testing and removal	(B) Art.81, s.9	Health Officer, Sanitarian	\$100.00
Smoking	(B) Art.83	Health Officer, Sanitarian	
First offense			\$25.00
Second offense			\$50.00
Third offense			\$100.00
Fourth offense			\$200.00
Littering, illegal dumping	(G) c.270, s.16, s.16A	Health Officer, Sanitarian	
First, second, third offenses			\$20.00
Fourth offense			\$100.00

Key: (B) - By-Laws; (G) - General Laws; Art. - Article; c. - chapter; s. - section.